

**SUPREME COURT MINUTES
WEDNESDAY, MAY 26, 2004
SAN FRANCISCO, CALIFORNIA**

The Supreme Court of California reconvened in the courtroom of the Earl Warren Building, 350 McAllister Street, Fourth Floor, San Francisco, California, on May 26, 2004, at 9:00 a.m.

Present: Chief Justice Ronald M. George, presiding, and Associate Justices Kennard, Baxter, Werdegar, Chin, Brown, and Moreno.

Officers present: Frederick K. Ohlrich, Clerk; and Gail Gray, Calendar Coordinator.

S101836 In re the Marriage of Karen and Charles Erik Harris

Karen Butler, Appellant

v.

Charles Erik Harris, et al., Respondents

Cause called. Paul W. Leehey argued for Respondents.

Jeffrey W. Doeringer argued for Appellant.

Mr. Leehey replied.

Cause submitted.

S050142 In re Larry Douglas Lucas

On Habeas Corpus

Cause called. Steven L. Friedlander, non-appointed associate counsel, argued for Petitioner.

Mary Sanchez, Office of the Attorney General, argued for Respondent.

Mr. Friedlander replied.

Cause submitted.

S115438 The People, Plaintiff and Respondent

v.

Donald Barker, Defendant and Appellant

To be called and continued to the June 2nd calendar.

S109734 The People, Plaintiff and Respondent

v.

Bryant D. Griffin, Defendant and Appellant

Cause called. Allison H. Chung, Office of the Attorney General,
argued for Respondent.

Patricia Scott argued for Appellant.

Ms. Chung replied.

Cause submitted.

Court recessed until 1:30 p.m. this date.

Court reconvened pursuant to recess.

Members of the Court and Officers present as first shown.

S120474 The People, Plaintiff and Respondent

v.

American Contractors Indemnity Company, Defendant and Appellant

Cause called. E. Alan Nunez argued for Appellant.

Wendy J. Phillips opened argument for Respondent.

Doraine F. Meyer, appearing for Amicus Curiae California State
Association of Counties, continued argument for Respondent.

Mr. Nunez replied.

Cause submitted.

S114399 The People, Plaintiff and Respondent

v.

Juan Diego Leal, Defendant and Appellant

Cause called. J. Courtney Shevelson argued for Appellant.

Allan Yannow, Office of the Attorney General, argued for
Respondent.

Mr. Shevelson replied.

Cause submitted.

S027766 The People, Respondent

v.

Stephen Cole, Appellant

Cause called. Richard P. Siref argued for Appellant.

Victoria B. Wilson, Office of the Attorney General, argued for
Respondent.

Mr. Siref replied.

Cause submitted.

Court recessed until 9:00 a.m., Thursday, May 27, 2004.

S038499

PEOPLE v. BELL (STEVEN M.)

Extension of time granted

to July 20, 2004 to file appellant's reply brief. Extension is granted based upon counsel Anthony J. Dain's representation that he anticipates filing that brief by 7/20/2004. After that date, no further extension will be granted.

S044693

PEOPLE v. WALL (RANDALL C.)

Extension of time granted

to August 2, 2004 to file appellant's opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based upon counsel Darlene M. Ricker's representation that she anticipates filing that brief by 6/2005.

S055652

PEOPLE v. FUIAVA (FREDDIE)

Extension of time granted

to July 1, 2004 to file appellant's reply brief. Extension is granted based upon counsel Michael Satris's representation that he anticipates filing that brief by 7/1/2004. After that date, no further extension is contemplated.

S069959

PEOPLE v. LEWIS (MICHAEL B.)

Extension of time granted

to July 26, 2004 to file appellant's opening brief. After that date, only one further extension totaling about 50 additional days will be granted. Extension is granted based upon counsel Tara K. Allen's representation that she anticipates filing that brief by 9/16/2004.

S070686

PEOPLE v. ROMERO (GERARDO)

Extension of time granted

to June 23, 2004 to file appellant's opening brief. Extension is granted based upon counsel Stephen Lathrop's representation that he anticipates filing that brief by 6/23/2004. After that date, no further extension will be granted.

S116793

FIERRO (DAVID) ON H.C.

Extension of time granted

to June 25, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon counsel James S. Thomson's representation that he anticipates filing that document by 6/25/2004. After that date, no further extension will be granted.

S118974

JORDAN (EDDIE THOMAS) ON H.C.

Extension of time granted

to June 23, 2004 to file Attorney General's informal response.

S122414

FARNAM (JACK) ON H.C.

Extension of time granted

to June 23, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 105 additional days are contemplated. Extension is granted based upon counsel Samuel D. McVey's representation that he anticipates filing that document by 9/7/2004.

S123722

F043006 Fifth Appellate District

N. (HOWARD). IN RE

Counsel appointment order filed

Upon request of appellant for appointment of counsel, the Central California Appellate Program is hereby appointed to represent appellant on his appeal now pending in this court.

Appellant's brief on the merits shall be served and filed on or before thirty (30) days from the date respondent's opening brief on the merits is filed.

S029588

PEOPLE v. RICHARDSON (CHARLES)

Order filed

Appellant's application for leave to file opening brief in excess of word count limit is granted.

S052808

PEOPLE v. GAMACHE (RICHARD C.)

Order filed

Appellant's application for leave to file opening brief in excess of word count limit is granted.

S115438

A093759 First Appellate District,
Division Three

PEOPLE v. BARKER

Order filed

Defendant's September 8, 2003 application for leave to file a brief on the merits in excess of 14,000 words (see Cal. Rules of Court, rule 29.1(c)(1)) is granted. Defendant's September 8, 2003 request that an "appendix" to the merits brief be treated as part of the brief is denied. (Cal. Rules of Court, rules 14(d) [limiting attachments to briefs to "copies of exhibits or other materials in the appellate record"] and 29.1(b)(3) [limiting merits briefs to issues presented in the petition for review or fairly included therein]. Defendant's December 10, 2003 application for leave to file a reply brief in excess of 4,200 words (see Cal. Rules of Court, rule 29.1(c)(1)) is granted.]

S117651

B150342 Second Appellate District,
Division Three

PEOPLE v. HERNANDEZ
Order filed (2)

- (1) Permission granted for two counsel to present oral argument on behalf of appellants.
- (2) the request to allocate 15 minutes to Jill Lansing for appellant Fuentes and 15 minutes to Susan Keiser for appellant Hernandez of appellants' 30-minutes allotted time for oral argument is granted.

S125052

SHAMBLIN v. S.C. (PEOPLE)
Transferred to CA 5

The above-entitled matter is transferred to the Court of Appeal, Fifth Appellate District, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition shall be denied.

S125058

CHRISTOPHER v. DEPT OF CORRECTIONS
Transferred to CA 5

S121239

BAJAJ ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar of California, it is ordered that **SARBJIT S. BAJAJ** be reinstated as a member of the State Bar of California upon payment of the fees and taking the oath required by law.

S124629

HINDIN ON REINSTATEMENT
Petitioner reinstated

Upon petition for reinstatement and recommendation of the State Bar Court, it is ordered that **ARTHUR THEODORE HINDIN** be reinstated as a member of the State Bar of

California upon his paying the fees and taking the oath required by law.

S124948

KRELL ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Steven Krell, State Bar No. 102768**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S124958

MCCAWLEY ON RESIGNATION

Resignation accepted with disc. proceeding pending

The voluntary resignation of **Matthew Charles McCawley, State Bar No. 182432**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

Bar Misc. 4186

IN THE MATTER OF THE APPLICATION OF THE
COMMITTEE OF BAR EXAMINERS OF THE
STATE BAR OF CALIFORNIA FOR ADMISSION
OF ATTORNEYS

Pursuant to the written motion of the
Committee of Bar Examiners, the order of
this court filed August 7, 2003, which
included the names of applicants who have
fulfilled the requirements for admission to
the practice of law in the State of California,
is hereby amended to strike the name of
Stephen James Krell.

B166596 Second Appellate District

PEOPLE v. KEITH LAMAR YOUNG
Order filed

The time for granting or denying review in the
above-entitled matter is hereby extended to and
including June 13, 2004, or the date upon which
review is either granted or denied. This order is
entered nunc pro tunc as of May 10, 2004.